



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gil G. DUDKIEWICZ et al.

Title: SYSTEM AND METHOD FOR  
GENERATING METADATA  
FOR PROGRAMMING  
EVENTS

Appl. No.: 09/991,807

Filing Date: 16 November 2001

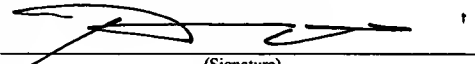
Examiner: J. SALCE

Art Unit: 2611

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Sir:

Applicants request a pre-appeal brief review of the rejections in this application.

**Brief Overview Of The Claims**

The application has three groups of claims:

- 1) 1-6, 10-16 and 20 (claims 1 and 11 are analogous independent claims)
- 2) 21-34 (claims 21 and 27 are analogous independent claims)
- 3) 35-44 (claims 35 and 40 are analogous independent claims)

All claims generally relate to the creation of metadata that describes the subject matter of a television program. The metadata includes categories and

keywords that are descriptive of the subject matter of the program.

All of the independent claims specify that the metadata is created from “production data” obtained from “a production system used in the production of the television program.” Characteristics of production data are discussed in the application at paragraph [0060], examples of commercial production systems used for producing television programs are provided in the application at paragraph [0061], and examples of production data obtained from such systems are shown in Figures 3 and 4. It is clear that the production data is different than the actual audio and video signals of the program itself.

The independent claims of groups 1 and 3 (1, 11, 35 and 40) also specify that the production data is obtained from the production system prior to the broadcast of the television program.

The independent claims of group 3 (35 and 40) also specify that, prior to the generation of metadata, the production data is analyzed to determine individual “segments” of the television program, and that metadata is generated from the production data for each individual segment of the television program.. The application defines “segments” of a television program in paragraph [0055] as follows:

For purposes of this description, a program comprises one or more “program segments” that pertain to different subjects and therefore can stand on their own as complete or individual viewing experiences. Examples of programs that typically consist of a single programming segment are movies, sit-coms, and sporting events. Examples of programs that are typically comprised of multiple program segments are news broadcasts, news magazine shows that present multiple feature stories, sports highlight shows, music video shows, informational shows, home shopping shows, and variety shows.

### **Brief Overview Of The Rejections**

The claims of group 2 are rejected as being anticipated by Hullinger (U.S. 6,295,092). The claims of groups 1 and 3 are rejected as being obvious over Hullinger in view of Aristides (U.S. 5,657,072).

Hullinger describes a system that determines the topics of stories covered in television news programs (Abstract). Hullinger records television news broadcasts (4:19-28), then parses the programs into individual stories or segments based on comparison of phrases in the closed caption text to historical information that associates phrases and story topics such as "national," "international," "weather," etc. (4:37-49; Fig. 7; col. 7 – col. 9). This allows the generation of reports that show the amount of time devoted to various topics in the news program (Fig. 11) or that show topic selections and ratings data for the same period of time (Fig. 15).

Aristides describes a system that distributes electronic program guide (EPG) data to end users. Aristides is cited for the simple teaching of sending program guide data to a user prior to the broadcast of a program described in the program guide.

#### **Issues For Which Review Is Requested**

Applicants respectfully submit that the rejections should be withdrawn because of the following errors:

**1) The absence in the prior art references of "obtaining ... production data ... from a production system used in the production of the video program."**

This limitation is present in all independent claims.

Hullinger is cited as teaching the receipt of television program "broadcast data" and the receipt of ratings data for the program from a ratings server (Rejection p. 6-7). It is clear in the present application that "production data" obtained from a "production system" is not the television program broadcast itself, nor is it ratings data. There is no teaching in Hullinger concerning a production system used to produce a television program, or of obtaining production data from the production system and creating metadata from that production data.

**2) The absence in the prior art references of “obtaining ... production data ... prior to broadcast of the television program.”**

This limitation is present in the independent claims of groups 1 and 3 (1, 11, 35 and 40).

As noted, Hullinger is cited as teaching the receipt of television program “broadcast data” and the receipt of ratings data for the program from a ratings server (Rejection p. 6-7). As to the feature of receiving production data prior to broadcast of the television program, the rejection argues at p. 7-8 that Hullinger’s system provides information that influences the production of subsequent television programs. This argument does not address what is claimed, since the claims involve creating metadata for a particular program and transmitting that metadata to a user before the actual program is broadcast. Hullinger only performs after-the-fact analysis of programs that have already been broadcast, based on the actual television broadcast, which cannot occur prior to the broadcast, and based on ratings data, which represents people’s reactions to a program and also cannot be obtained prior to the broadcast.

**3) The absence in the prior art references of “processing ... the production data to determine individual segments of the television program prior to broadcast of the television program.”**

This limitation is present in the independent claims of group 3 (35 and 40).

Applicants cannot find anything in the rejection that addresses this feature. To the extent that Hullinger is capable of determining individual segments of a television program, it does so based on information obtained from the actual program broadcast signal, rather than production data obtained from a production system.

**4) The absence in the prior art references of motivation for selecting the claimed combination of features and using them in the manner claimed.**

A motivation to combine is required to support the obviousness rejection of the claims of groups 1 and 3 (independent claims 1, 11, 35 and 40).

The rejection states that it would have been obvious to modify Hullinger's system to transmit metadata for television programs to users prior to those television programs, as practiced by Aristides, so as to reduce the number of requests made to the server during peak time (Rejection p. 8). This argument fails to account for the features missing from Hullinger. Hullinger performs analysis on television program after they have been broadcast based on recordings of the actual broadcasts. The fact that Aristides provides program guide data before television program broadcasts does not provide any solution to Hullinger's dependency on information that is only available after the broadcast has occurred. Therefore the prior art does not provide the required motivation.

For these reasons it is respectfully requested that the rejections be withdrawn before proceeding to appeal briefing.

Respectfully submitted,

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